

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY V. MANCO Ph.D.,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 5:22-cv-00285-JLS
	:	
ST. JOSEPH'S UNIVERSITY, et al.,	:	
	:	
Defendants.	:	
	:	

ORDER

AND NOW, this ____ day of _____ 2024, upon consideration of Plaintiff Gregory V. Manco, Ph.D.'s Motion to Exceed Seven (7) Hours of Deposition Time, the papers submitted in support thereof, and Defendants' responses in opposition thereto, if any, it is hereby **ORDERED** that said Motion is **GRANTED**. Plaintiff is hereby granted leave of Court to exceed seven (7) hours of deposition time with regard to the deposition of Defendant Cheryl A. McConnell, Ph.D. though Dr. McConnell's deposition shall not exceed twenty-one (21) hours absent further Order of this Court.

BY THE COURT:

HON. JEFFREY L. SCHMEHL, U.S.D.J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY V. MANCO Ph.D.,	:	
	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	NO. 5:22-cv-00285-JLS
	:	
ST. JOSEPH'S UNIVERSITY, et al.,	:	
	:	
Defendants.	:	

**PLAINTIFF GREGORY V. MANCO'S MOTION TO EXCEED
SEVEN (7) HOURS OF DEPOSITION TIME**

Plaintiff Gregory V. Manco, Ph.D. ("Plaintiff" or "Dr. Manco"), by and through his attorneys, Zarwin Baum DeVito Kaplan Schaer & Toddy, P.C., respectfully submits this Motion to Exceed Seven (7) Hours of Deposition Time with regard to the deposition of Defendant Cheryl A. McConnell, Ph.D. ("Dr. McConnell") and, in support thereof, avers as follows:

1. On January 21, 2022, Plaintiff, a longstanding mathematics professor and baseball coach at St. Joseph's University, initiated this lawsuit by filing a Complaint against the Defendants stemming from the wrongful and retaliatory actions taken against him relative to his employment. *See* Doc. 1.

2. Following the exchange of written discovery, the parties commenced depositions, and three witnesses have been deposed to date, including Dr. McConnell whom Plaintiff's counsel deposed for seven (7) hours on October 15, 2024.

3. Despite its efforts, Plaintiff's counsel could not complete Dr. McConnell's deposition in a single, seven (7) hour session, and additional time is required to conduct a fair examination consistent with Fed. R. Civ. P. 26(b)(2).

4. Plaintiff reasonably anticipates that Dr. McConnell's deposition will take, at a minimum, two (2) full days, or fourteen (14) hours, to complete. Plaintiff does not anticipate, however, that Dr. McConnell's deposition will exceed three (3) days, or twenty-one (21) hours.

5. Fed. R. Civ. P. 30(d)(1) provides that "[u]nless otherwise stipulated or ordered by the court, a deposition is limited to 1 day of 7 hours." The rule further provides, however, that the court "**must** allow additional time consistent with Rule 26(b)(2) if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination." Id. (emphasis added).

6. Official Comments to Fed. R. Civ. P. 30 reflect that factors to be considered include: (1) whether the examination will cover events occurring over a long period of time; (2) whether the case involves multiple parties; and (3) whether the witness will be questioned regarding numerous documents.

7. Dr. McConnell was selected as Defendant Saint Joseph's University's President in March 2023 after serving as Interim President. Prior to assuming the presidency, and at all times material hereto, Dr. McConnell served for three (3) years as Provost and Senior Vice President for Academic Affairs where she oversaw the University's academic enterprise.

8. Dr. McConnell's examination has covered -- and will continue to cover -- events that transpired over a long period of time dating back to Dr. McConnell's tenure as Provost beginning in or around 2019 when a cohort of African American students began speaking out about race-related issues on the campus of Saint Joseph's University as well in January 2021 when co-Defendant Haddasah Colbert, a graduate of Defendant Saint Joseph's University and who was a student of Dr. Manco in the Spring semester of 2017, first emailed University officials complaining about Dr. Manco's social media activity, and continuing through the present.

9. This case involves multiple parties, and Dr. McConnell is one of nine (9) Defendants in this matter.

10. The parties have exchanged thousands of pages of documents in written discovery, which is ongoing. Dr. McConnell has already been questioned about several of those documents, but numerous documents still remain.

11. The foregoing facts demonstrate that (1) Dr. McConnell's deposition will necessarily cover events occurring over a nearly a decade-long period of time; (2) in a case involving nine (9) different Defendants; and (3) that Dr. McConnell will be questioned regarding a large number documents. In accordance with Fed. R. Civ. P. 30(d)(1), Plaintiff should therefore be granted leave of Court to exceed seven (7) hours of deposition time with regard to Dr. McConnell's deposition.


12. In the experience of Plaintiff's counsel, it is not uncommon in cases of this nature for depositions of defendants to require two (2) or more days to reasonably complete. If Plaintiff is unable to secure at least an additional day (and likely a third day) to continue the examination of Dr. McConnell, Plaintiff will be unable to review all the issues in the amount of detail required to adequately support the claims that have been asserted against her.

WHEREFORE, Plaintiff respectfully requests leave of Court to exceed seven (7) hours of deposition time with regard to the deposition of Defendant Dr. McConnell.

Respectfully submitted,

**ZARWIN, BAUM, DeVITO,
KAPLAN, SCHAEER & TODDY, P.C.**

Dated: October 31, 2024

By: 
JOSEPH M. TODDY, ESQUIRE
SCOTT ZLOTNICK, ESQUIRE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY V. MANCO Ph.D.,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	NO. 5:22-cv-00285-JLS
	:	
ST. JOSEPH'S UNIVERSITY, et al.,	:	
	:	
Defendants.	:	
	:	

CERTIFICATE OF NONCONCURRENCE

Undersigned counsel for Plaintiff Gregory V. Manco Ph.D. hereby certifies that opposing counsel does not concur in the relief sought in the attached Motion to Exceed Seven (7) Hours of Deposition Time.

Respectfully submitted,

**ZARWIN, BAUM, DeVITO,
KAPLAN, SCHAEER & TODDY, P.C.**

Dated: October 31, 2024

By: 
JOSEPH M. TODDY, ESQUIRE